



1632  
DT05 Rec'd PCT/PTO 29 JUL 2002  
Atty. Dkt. No. 072330-0102

09/889098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guenther SCHERER

Title: METHOD FOR INDUCING OR  
PROMOTING AN ANTHOCYANIN  
COLORATION IN PLANTS AND/OR  
FRUIT WHICH BASICALLY  
PRODUCE ANTHOCYANIN

Appl. No.: 09/889,098

Filing Date: 10/22/01

Examiner: Unassigned

Art Unit: Unassigned

RECEIVED

JUL 31 2002

TECH CENTER 1600/2900

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.



RELEVANCE OF EACH DOCUMENT

The relevance of document A3 is described in the present specification.

Document A2 relates to increasing anthocyanin content of fruit and plants – by exposure to blue and red light.

Document A10 relates to research involving the effect of ozone and ultraviolet rays (UV-B portion of lights) on the metabolism from forest and agricultural plants.

English translations of the foreign-language documents are not readily available. However, the absence of such translations does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts for document A2 and A3 are attached.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise to charge improper or informal or even entirely missing, the Commissioner is authorized the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 29, 2002

By Michele M. Simkin

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
Telephone: (202) 672-5427  
Facsimile: (202) 672-5399

Michele M. Simkin  
Attorney for Applicant  
Registration No. 34,717

Form PTO-1449  
(MODIFIED)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

072330-0102

SERIAL NO.

09/889,098

## INFORMATION DISCLOSURE CITATION

JUL 29 2002 (Use several sheets if necessary)

APPLICANT

Guenther SCHERER

FILING DATE

October 22, 2001

GROUP ART UNIT

Unassigned

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A1	5,040,329	08/20/91	Michaloski	47	65	

RECEIVED

JUL 31 2002

TECH CENTER 1600/2900

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	A2	2 542 567	09/21/84	France			Abstract	
	A3	34 09 796 A1	11/29/84	Fed. Rep. of Germany			Abstract	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	A4	Arakawa, O., "Photoregulation of Anthocyanin Synthesis in Apple Fruit under UV-B and Red Light," <u>Plant Cell Physiol.</u> , vol. 29, No. 8, pgs. 1385-1389, (1988).						
	A5	Goto, M., "Mobile Irradiation Apparatus For Plant Culture," 2-255019, Patent Abstracts of Japan, 10/15/90, (Abstract Only).						
	A6	Atsushi, A., "Method For Displaying Letter, Figure Or Such On Surface of Fruit Skin," 01-137925, Patent Abstracts of Japan, 05/30/89, (Abstract Only).						
	A7	Tazawa, S. et al., "Device for Lighting Plant in Closed Space," 06-276858, Patent Abstracts of Japan, 10/04/94, (Abstract Only).						
	A8	Arakawa, O., "Relative Effectiveness and Interaction of Ultraviolet-b, Red and Blue Light in Anthocyanin Synthesis of Apple Fruit," <u>Physiol. Plant</u> , vol. 64, pgs. 323-327, 1985.						
	A9	Yang Yong-Joon et al., "Changes in Carotenoid Pigments in the Peel of "Fuji" Apple Fruit During Cold and CA Storage," <u>Journal of South Korean Society for Horticultural Science</u> , vol. 36, pgs. 662-668, (1995).						
	A10	<u>Suddeutsche Zeitung</u> , No. 278, Sunday December 2, 1993, pg. 7.						

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.